

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:

Whitbourne et al.

Art Unit: 1618

Application No: 09/834,307

Examiner: M.P. Young

Confirmation No: 3036

Filing Date: April 12, 2001

Atty. Docket No: 32286-192724

For: TARGETED THERAPEUTIC AGENT
RELEASE DEVICES AND METHODS OF
MAKING AND USING THE SAME

Customer No:

26694

26694

PATENT TRADEMARK OFFICE

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

Mail Stop: *Appeal Brief - Patents*

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Madam:

In response to the Notification of Non-Compliant Appeal Brief dated June 4, 2009, Applicants respectfully request the removal of the heading "Table of Cases" from page 33 of the Appeal Brief as suggested in the Notification.

Any fees required (including fees for net addition of claims or any other fee deficiency), are hereby authorized to be charged, and any overpayments credited to, our Deposit Account No. 22-0261, referencing our docket number 32286-192724.

Dated: June 26, 2009

Respectfully submitted,

By: /Ryan M. Flandro/

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